

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MERCHANT CAPITAL, LLC AND)	
NEW SUNSHINE, LLC)	
)	
Plaintiffs,)	
)	
-v-)	CASE NO.
)	1:13-CV-00873-JMS-DML
MELANIA MARKS SKINCARE, LLC,)	
)	
Defendant.)	

**NOTICE REGARDING REPLY TO
NON-PARTY SUBPOENA RECIPIENT STEPHEN C. HILBERT'S MOTION FOR
ORDER BARRING OR LIMITING TOPICS OF DEPOSITION TESTIMONY**

On October 21, 2013, non-party Stephen C. Hilbert ("Hilbert") moved this Court pursuant to Fed. R. Civ. P. 27(c)(1) and 30(d)(1)(B) for an order that no further deposition discovery be taken of him pursuant to subpoena because the remaining topics of examination pursued by Plaintiffs' counsel (i) are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this matter, (ii) are improperly designed to take discovery of Mr. Hilbert regarding separate disputes pending in other forums between different parties, and (iii) will result in unreasonable annoyance and harassment of Mr. Hilbert, who is not a party to this action. (Dkt. 69.)

On October 25, 2013, Plaintiffs filed a Response, indicating they did not intend to pursue any further inquiry into two of these categories: (1) real estate transactions that took place over a decade ago between companies that Mr. Hilbert and Mr. Trump were supposedly affiliated with and (2) certain documents submitted in an unrelated bankruptcy case pending in Indiana. However, Plaintiffs continue to ask this Court to allow them to take additional deposition

testimony of Mr. Hilbert regarding: (1) the 2013 sale Mr. Hilbert's former personal residence in St. Martin, V.I; (2) Mr. Hilbert's alleged personal and/or social relationship with Donald Trump; and (3) unspecified documents withheld from production by the Defendant in this matter. (Dkt. 74.) For reason stated in their Motion, Non-Party Hilbert disagrees.

On October 31, 2013, this Court entered a minute order directing Mr. Hilbert to file a reply brief in support of his Motion by noon today, Monday, November 4, 2013. (Dkt. 84.) Because Mr. Hilbert believes that the issues presented are relatively straight-forward and sufficiently framed for the Court in the Motion and Response, no reply brief is necessary. Instead, for the reasons given earlier, Hilbert respectfully requests that the Court grant his Motion under Fed. R. Civ. P. 27(c)(1) and 30(d)(1)(B).

Dated: November 4, 2013

Respectfully submitted:

/s/ Martin T. Tully
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Counsel for Non-Party Stephen C. Hilbert

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of November, 2013, a copy of foregoing was filed electronically. Notice of this filing will be sent CM/ECF system.

_____/s/ Martin T. Tully_____
Martin T. Tully